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Sent: 4/5/2019 7:37:10 PM
To: Gray, David [gray.david@epa.gov]
Subject: My notes on TX Joint Committee Hearing (Draft)
Attachments: TX Joint ITC Hearing Ver 2.0.docx

For your use:

TX House Joint Committee Hearing Summary Notes
April 5, 2019

Started 11:55 am

First Witness: TCEQ Executive Toby Baker

Notes

- Dollars Spent and Cost Recovery; after-action review, inform state legislature, and gaps in response for TCEQ
- Breakdown of TCEQ authority and timeline of ongoing response; State requests of EPA assets, personnel, contractors, and other support
- Broken monitor that needed to be recalibrated; Air monitoring overview; Website information and updates for public awareness
- Current-status update and ongoing waste plan, impact and other assessments
- Next steps: securing sight and remediation; EPA compliance with RMP; AG, OSHA, and Harris County investigations

Second Witness: Acting Regional Administrator David Gray

Notes

- Intro remarks; timeline; highlighting collaborative efforts
- Assets and actions for air and water monitoring efforts to inform decision making
- Importance of communication, preparedness exercises and other critical aspects of readiness.
- Story Map resource and collaboration on data and sampling in the community for public awareness
- Thanking state and looking forward to further collaboration and open to questions

Third Witness: Jerry Mourton, Mayor of Deer Park

Notes

- Personal level of response impact; investigation; outstanding questions
- Importance of communication; proud of response; community impact; improving best practices and mitigating hazards

Fourth Witness: Francisco Sanchez, Deputy Emergency Management Coordinator, Harris County

Notes

- First Responders proactive actions; OEM response and industrial liaison support
- Operating JIC, highlighting collaboration for stakeholders and public; thanking state and federal support and collaboration; highlighted public outreach
- Longest duration of response longest besides Hurricane Harvey response
- Recovery, public health, community engagement, improving moving forward, investigation and other future actions
- Expanding capabilities to match growth; reviewing risks and addressing response gaps to ensure future safety and resiliency.

EPA-Directed Comments/Questions

- TX Rep. Brisco Cain (*Deer Park District*) thanked panel for website updates.

- **TX Rep. Ed Thompson** (*Vice Chair*) to EPA: Encouraged future coordination
 - **Q: Who decides/regulates levee size?**
A: Clean Water Act, secondary containment; preparedness of a single failure.
 - **Q: Who would look at that to improve?**
A: Findings by Chemical Safety Board for future actions and DOJ.
 - **Q: Suggested that the legislative body should reach out to U.S. Congress for other improvements?**
A: EPA agreed that coordination was possible.
- **TX Rep. Geanie Morrison** comments on improving disaster and issues facing small counties. Thanked panel for their work in disaster response.
- **TX Rep. Mary Ann Perez** (*Deer Park District*)
 - **Q: Can federal government regulate what's inside the tank next to another tank's containments?**
 - **A:** No, not aware of any.

Other Comments/Questions

- **TX Rep. Perez** to TCEQ: Tanks and Remaining of tanks and status of benzene and sludge. Follow up on monitors and dissipation. Follow up on stationary monitor hit data. **TX Rep. Cain** followed up on the specific data point.
- **TX Rep. Perez** to TCEQ: Asked for disposal plan details; When can we expect Port of Houston full recovery? Why wasn't the facility up to code? Would the TCEQ need more rulemaking authority to ensure facilities are up to certain codes?
- **TX Rep. Cain** to TCEQ: Investigation questions; Remediation questions and responsibility for dyke wall failure; Foam usage questions; Question on future resource needs and requests for things like TAGA; What could've been done better during the response?
- **TX Rep. Dennis Paul** (*Vice Chair*) to TCEQ: Questions on process of ITC's role and current status of cleanup and cleanup in Tucker Bayou; What was the air monitoring area? Public health endangerment. How long will the air monitoring continue? Status of investigation.
- **TX Rep. Thompson** (*Vice Chair*) to TCEQ: Pre-Event questions/concerns; steps to take facility accountable for disaster avoidance; who has authority in enforcement investigations? How many times has this facility been inspected and when was the last inspection? Who decides/regulates levee size?
- **TX Rep. Tony Tinderholt** to TCEQ/County: Mutual aid, sharing resource needs at local level.
- **TX Rep. Gina Calanni** to TCEQ/County: On water quality, is it safe to be at beaches? Do you expect it to remain that way? Public health worries in the community, who do they reach out to?
- **TX Rep. Cesar Blanco** to TCEQ: What specifically is the TCEQ doing against repeat offenders? Questions on liability. Further questions on cleanup and how ITC pays for it.
- **TX Rep. Erin Zwiener** to TCEQ: Questions about compliance history, investigations, and fines.
- **TX Rep. Celia Israel** to County/TCEQ: Question on water quality protection and air monitoring requirements. Questions on the public health effects of benzene.
- **TX Rep. Ron Reynolds** to County: Questions on tank protections and shelter in place procedures.

Adjourned: 2:36 pm

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